



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 2623

In re

Patent Application of

Kenneth J. Ruchala, et al.

Application No. 09/802,468

Confirmation No. 5869

Filed: March 9, 2001

Examiner: Samir Anwar Ahmed

“SYSTEM AND METHOD FOR FUSION-  
ALIGNED REPROJECTION OF  
INCOMPLETE DATA”

I, Julie A. Haut, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Julie A. Haut  
Signature

11/23/05  
Date of Signature

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING**  
**REJECTION OVER A PRIOR PATENT**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

TomoTherapy, Inc., located at 1240 Deming Way, Madison, WI 53717 (hereinafter “Assignee”), by its undersigned attorney of record, represents that it is the owner of the entire interest in the above-identified application (hereinafter “said Application”) by virtue of an assignment recorded June 11, 2002, at Reel 013002, Frame 0409. Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on said Application, beyond the expiration date of the full statutory term of U.S. Patent No. 6,915,005 (hereinafter “said U.S. Patent”). Assignee hereby agrees that any patent granted on said Application shall be enforceable only for and during such period that the legal title of the patent granted on said Application should be the same as the legal title to said U.S. Patent. This agreement shall run with any patent granted on said Application and be binding upon the grantee, its successors or assigns. In making the above disclaimer, Assignee does not disclaim any

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terminal part of the patent granted on said Application prior to the expiration date of the full statutory term of said U.S. Patent, in the event that said U.S. Patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term.

The undersigned is empowered to act on behalf of Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11/23/05

By Julie A. Haut  
Julie A. Haut  
Reg. No. 51,789  
Attorney of Record

Attorney Docket No. 013869-9001-00  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108

cc: Docketing



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Sir:

Transmitted herewith is a Terminal Disclaimer for the above-titled patent application.  
Charge Deposit Account No. 13-3080 in the amount of \$65.00 in payment of the fee required  
under 37 C.F.R. § 1.20(d). Applicant has claimed small entity status.

Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of  
the above fee.

Respectfully submitted,

Julie A. Haut  
Reg. No. 51,789

File No. 013869-9001-00  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
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